

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Brian Calhoun	Councilmember
	Mike Dages	Councilmember
	Jerry Duncan	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Henry Perea	Council President

Absent:	Blong Xiong	Acting Council President (out of the country)
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Andy Souza, City Manager

Jim Sanchez, City Attorney

Becky Klisch, City Clerk

Yolanda Salazar, Assistant City Clerk

Dr. Colleen Torgerson, Associate Dean of the Kremen School of Education & Human Development at CSUF, shared thoughts and words with Council, and President Perea led the Pledge of Allegiance.

SPCA PET OF THE MONTH - COUNCILMEMBER CALHOUN

The pet of the month available for adoption, a two month old male husky mix, was presented.

APPROVE MINUTES OF JULY 31, 2007:

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the minutes of July 31, 2007, approved as submitted.

COUNCIL MEMBER REPORTS AND COMMENTS:

COUNCILMEMBER DUNCAN: (1) Current lack of traffic backup on the southbound Friant/Freeway 41 on-ramp as a result of metering lights turned off for the improvement project and request staff ask Caltrans to turn the meter lights off permanently; and (2) the controversial River Park curfew issue being a private property/private business matter and request City staff not be part of the task force that is dealing with the issue, with City Manager Souza responding to both issues.

COUNCILMEMBER DAGES: (1) Welcome to Public Works Director Weimiller; (2) request for status report/time line on the Mosqueda Center BMX park; (3) request for information on the house at Jensen & Willow being converted to a senior center; (4) concern with lack of code enforcement on weekends; and (5) completion of the underground utility project on Kings Canyon and need to remove telephone poles still in place between Maple and Chestnut, with City Manager Souza responding throughout.

COUNCILMEMBER STERLING: (1) Report on the successful backpack/school supplies give-away events at the Tulare Street Boys & Girls Club and the Lorena/Weller Avenues block party and thank you to sponsors and everyone else involved for making them a success; and (2) community appreciation for the Summer Heat Program and thank you to the police department for implementing the program and residents who have utilized the tip line.

COUNCILMEMBER CALHOUN: (1) Request for update/status on the Council-approved town hall meeting invitation to U.S. presidential candidates; and (2) concern with amount of bootleg signs in northwest and northeast Fresno and code enforcement's response to submit exact locations of each sign to them, with City Manager Souza and Councilmember Duncan responding.

COUNCILMEMBER WESTERLUND: (1) Request staff look into whether something can be done about homeless people sleeping at the Roeding Park tennis courts; and (2) number of parks being built and request for information on parks bonding, the reimbursement resolution, and an accounting on the amount expended to date, with City Manager Souza responding.

PRESIDENT PEREA: Request for status report on the establishment of train quiet zones.

APPROVE AGENDA:

(11:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY:

(“A”) RESOLUTION - APPROVING A SUMMARY OF THE DEAL POINTS OF A LETTER OF INTENT BETWEEN THE CITY AND FRESNO HOCKEY CLUB, LLC, d.b.a. FRESNO FALCONS PROFESSIONAL HOCKEY CLUB, FOR LICENSE TO USE THE SELLAND ARENA FOR HOCKEY GAMES

1. AUTHORIZE THE CITY MANAGER TO NEGOTIATE WITH THE DEVELOPER TO REACH A FINAL AGREEMENT, AUTHORIZING EXECUTION AND DELIVERY OF THE AGREEMENT AND RELATED DOCUMENTS, AND TAKING ALL NECESSARY ACTIONS RELATED TO THE TRANSACTION

-and-

(“B”) RESOLUTION - APPROVING A SUMMARY OF THE DEAL POINTS OF A DISPOSITION AND DEVELOPMENT AGREEMENT (DDA) BETWEEN THE CITY AND THE LEGACY REAL ESTATE GROUP, LLC, (DEVELOPER) TO DEVELOP A MIXED USE PROJECT ON PROPERTY CURRENTLY SERVING AS A PARKING LOT EAST OF THE SELLAND ARENA, AUTHORIZING THE CITY MANAGER TO NEGOTIATE WITH THE DEVELOPER TO REACH A FINAL AGREEMENT, AND AUTHORIZING EXECUTION AND DELIVERY OF THE AGREEMENT AND RELATED DOCUMENTS AND TAKING ALL NECESSARY ACTIONS RELATED TO THE RESOLUTION

-and-

(“C”) RESOLUTION - DECLARING AN URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH OR PROPERTY, AND WAIVING THE FORMAL ADVERTISED COMPETITIVE BIDDING REQUIREMENTS FOR THE REPLACEMENT OF THE ICE FLOOR, ICE MAKING MACHINERY, AND ASSOCIATED EQUIPMENT AT THE FRESNO CONVENTION AND ENTERTAINMENT CENTER

City Manager Souza requested Items “A” and “B” be laid over one week advising the parties were close to a final DDA, and advised Item “C” would remain on the agenda as a City item and removed it from the joint meeting.

(2:00 P.M. #2) JOINT CLOSED SESSION WITH THE REDEVELOPMENT AGENCY:

(B) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: EXECUTIVE DIRECTOR OF THE REDEVELOPMENT AGENCY - CHAIR STERLING

Laid over one week for a full Council at the direction of Chair Sterling.

(1-I) APPROVE ACQUISITION OF A SEWER EASEMENT FROM THE FRESNO METROPOLITAN FLOOD CONTROL DISTRICT FOR THE CONSTRUCTION OF A SEWER MAIN ALONG THE DAKOTA AVENUE ALIGNMENT BETWEEN HAYES AND GRANTLAND AVENUES

Removed from the agenda at the request of staff/to be rescheduled.

On motion of Councilmember Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the **AGENDA** hereby approved, *as amended*, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

ADOPT CONSENT CALENDAR:

Teri Brymer, California Business Machines, spoke in opposition to Item **1-A** stating the process was unfair, they were responsive, they met bid specifications, and they were the lowest bidder and explained.

Councilmember Westerlund pulled Items **1-D**, **1-E**, **1-P** and **1-R** from the Consent Calendar for separate discussion/action at 2:00 p.m.

(1-A) AWARD A THREE-YEAR CONTRACT IN THE AMOUNT OF \$957,522 WITH THREE POSSIBLE ONE-YEAR EXTENSIONS FOR A CITYWIDE COPIER LEASE PROGRAM TO RAY MORGAN COMPANY

(1-B) APPROVE AN AGREEMENT/MOU WITH THE HOUSING AUTHORITY FOR THE HUD CAPITAL FUNDING GRANT PROGRAM, ADDITIONAL PROTECTION SERVICES FOR PUBLIC HOUSING GRANT, AND OUTLINE OF RESPONSIBILITIES FOR RELEASE OF CRIMINAL HISTORY INFORMATION

1. RESOLUTION NO. 2007-268 - 4TH AMENDMENT TO AAR 07-214 APPROPRIATING \$25,100 TO FUND TWO COMMUNITY SERVICE OFFICERS AT VARIOUS HOUSING COMPLEXES

(1-C) APPROVE THE SECOND AMENDMENT TO THE CONSULTANT SERVICES AGREEMENT WITH PAUL PIERCE FOR SUPERVISOR TRAINING, AND AUTHORIZE THE PERSONNEL SERVICES DIRECTOR TO EXECUTE THE AGREEMENT ON BEHALF OF THE CITY

(1-F) RESOLUTION NO. 2007-269 - APPROVING THE SUMMARY VACATION OF A 60 FOOT RESTRICTED ACCESS STRIP OFFERED FOR DEDICATION FOR FUTURE ROAD PURPOSES, PARCEL MAP NO. 3894, E . POWERS AVENUE ALIGNMENT WEST OF N. MAPLE AVENUE

(1-G) ADOPT RESOLUTION NO. 1062-D TO VACATION A PORTION OF THE FOWLER AVENUE FRONTAGE ROAD AT ILLINOIS AVENUE AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 18, 2007

(1-H) APPROVE THE REVISED THREE-YEAR UNDERGROUND UTILITY DISTRICT PLAN

(1-J) - REMOVED FROM THE AGENDA)

(1-K) REJECT ALL BIDS FOR A REQUIREMENTS CONTRACT FOR PAPER HAND TOWEL AND TOILETRY SUPPLIES

(1-L) RESOLUTION NO. 2007-270 - AMENDING AND SUPERSEDING RES. 06-455 AND AUTHORIZING THE PUBLIC UTILITIES DIRECTOR/DESIGNEE(S) TO NEGOTIATE AND SIGN FUNDING AGREEMENT AND AMENDMENTS FOR FUNDING UNDER THE SAFE DRINKING WATER STATE REVOLVING FUND, APPROVE CLAIMS FOR REIMBURSEMENT, EXECUTE BUDGET EXPENDITURE SUMMARIES, SIGN CONTRACTOR'S RELEASE FORM, AND SIGN THE CERTIFICATION OF PROJECT COMPLETION; AND DEDICATING DPU REVENUES FROM USER WATER RATES, FEES OR CHARGES AS THE DEDICATED SOURCE OF REVENUE TO REPAY SAID LOAN

(1-M) APPROVE THE FIRST AMENDMENT TO THE DEVELOPMENT AGREEMENT WITH LENNAR FRESNO, INC., AUTHORIZING THE PUBLIC UTILITIES DIRECTOR TO GRANT TIME EXTENSIONS FOR PERFORMANCE OBLIGATIONS UNDER THE AGREEMENT FOR CONSTRUCTION OF A WATER TREATMENT AND STORAGE TANK FACILITY IN SOUTHEAST FRESNO

(1-N) RESOLUTION NO. 2007-271 - 1ST AMENDMENT TO PAR 07-215 CONVERTING TWO (2) VACANT PERMANENT-INTERMITTENT RECREATION LEADER POSITIONS TO ONE (1) FULL-TIME RECREATION SPECIALIST IN THE PARKS, RECREATION AND COMMUNITY SERVICES DEPARTMENT

(1-O) RESOLUTION NO. 2007-272 - APPROVING THE FY 2007-08 SENIOR HOT MEALS SITE MANAGEMENT (SERVICE PROVIDER) CONTRACT WITH FRESNO-MADERA AGENCY ON AGING AND AUTHORIZING EXECUTION OF DOCUMENTS

(1-Q) RESOLUTION NO. 2007-273 - 2ND AMENDMENT TO SALARY RES. 07-217 AUTHORIZING SALARY CORRECTIONS FOR NON-REPRESENTED CLASSIFICATIONS

(1-S) RESOLUTION NO. 2007-274 - INITIATING REZONING (PREZONING) ON 8 PARCELS TOTALING APPROXIMATELY 20.75 ACRES WITHIN THE CITY OF FRESNO'S SPHERE OF INFLUENCE

(1-T) RESOLUTION NO. 2007-275 - INTENT TO ANNEX FINAL TRACT NO 5512 AS ANNEXATION NO. 19 TO CFD NO. 11 AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING THE PUBLIC HEARING FOR SEPTEMBER 25, 2007

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, **RESOLVED**, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

(8:45 A.M.) PUBLIC COMMENT PERIOD:

(“A”) SCHEDULED COMMUNICATIONS:

1. APPEARANCE BY LOUIS MARQUEZ TO DISCUSS A BEAUTIFICATION PROJECT FOR THE CORNER OF “U” AND TULARE STREETS

Appearance made with Councilmember Sterling requesting Mr. Marquez speak with her office staff on his proposal.

2. APPEARANCE BY CHARLIE WATERS TO DISCUSS SEVERAL VETERAN’S ISSUES (VETERAN’S DAY AT GRIZZLY STADIUM, VETERAN’S BOULEVARD, THE VETERAN’S HOME, THE CITY HALL POW/MIA FLAG BEING FLOWN IMPROPERLY)

Appearance made with Councilmember Calhoun providing an update on the Veteran’s Boulevard issue, and City Manager Souza later responding to the flag issue towards the end of the meeting.

(“B”) UNSCHEDULED COMMUNICATIONS:

(2 - 0) Jaime Holt, 847 E. Yale, and Andy Hansen Smith of Creative Fresno, submitted to Council Creative Fresno’s Report Card on accomplishments and grading of strategic goals, a copy of which is on file in the office of the City Clerk, and spoke briefly to the report card and to last Thursday’s meeting at City Hall on downtown’s future and goals.

Councilmember Westerlund stated he wanted time to read the report and then have a public discussion on it and directed staff to schedule the matter on the September 18th agenda, with Ms. Holt stating her support.

(9:15 A.M.) CITY COUNCIL:

(“A”) CONSIDER APPROVAL FOR A COUNCIL OVERRIDE VOTE OF THE JULY 31, 2007, MAYORAL VETO OF ORDINANCE NO. 2007-57 WHICH AMENDS THE FRESNO MUNICIPAL CODE CARD ROOM ORDINANCE BY ELIMINATING WAGER LIMITS FOR TEXAS HOLD ‘EM - COUNCILMEMBER DAGES

Councilmember Dages requested Council’s support for an override stating this was a fairness issue for Club One, the City’s largest independent employer and a revenue provider, and made a motion to override the veto.

Robert Cherry, Club One Human Resources Manager, spoke in support of the motion and briefly to the issue of competition.

On motion of Councilmember Dages, seconded by Councilmember Sterling, duly carried, RESOLVED, the Mayoral veto of Ordinance No. 2007-57 hereby overridden, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

(“B”) DISCUSSION AND DIRECTION TO STAFF TO RETURN WITH ENABLING DOCUMENTS TO RE-APPROPRIATE \$1,085,000 TOWARDS THE CONSTRUCTION OF THE EATON PLAZA MASTER PLAN PROJECT USING THE DOWNTOWN RIVER CONTINGENCY OF \$1,085,000 - COUNCILMEMBER CALHOUN

Councilmember Calhoun reviewed the issue, all as contained in his memo as submitted to Council.

Speaking in support of the issue were Jaime Holt, 847 E. Yale, and Suzanne Bertz-Rosa.

Assistant City Manager Ruiz concurred Eaton Plaza was a downtown jewel; stated staff was committed to moving the project forward and clarified Council provided specific direction to staff in the budget to come back with a full plan to build out Eaton Plaza; stated staff did not feel these two matters needed to be bundled together and did not support re-appropriating river contingency dollars to continue the Eaton Plaza project; and encouraged Council to bifurcate and deal with the two issues separately.

Councilmember Calhoun stated he was not supportive of the river and a decision needed to be made on it, he wanted to send the message that Council was not going to deal with the river and the dollars sitting in contingency will be used on something that will have an immediate payoff, and made a motion as outlined above. Councilmember Westerlund seconded the motion for discussion purposes.

Councilmember Duncan stated although he had serious concerns about the river he was not convinced it was appropriate at this point to use the river contingency dollars, and upon his questions City Manager Souza and Mr. Ruiz advised staff was actively working on funding sources for Eaton Plaza, staff felt Eaton Plaza and the river did not have to be competing projects, a decision could be made on the river when all the details have been flushed out including the economic analysis as requested, and it would be premature to take this money out of contingency as staff would be back with a report by the first of November containing the full range of parks projects, including Eaton Plaza. Councilmember Duncan stated he appreciated Councilmember Calhoun's interest in Eaton Plaza but stated he felt it was premature to tie the two issues together, reiterated he was extremely concerned about the river and could not see it ever happening, and clarified Council made a commitment to the mayor and staff when the money was placed in contingency that they would have an opportunity to make their case on the river and Council needed to honor that.

Lengthy discussion continued with Mr. Ruiz and Mr. Souza responding to numerous questions, comments and concerns of Councilmembers Sterling and Westerlund relative to how long the City has been working on Eaton Plaza, what the status was of the project now that Phase 1 has been completed, the proposed river/Sports Town/Forest City/trolley projects and need to make Eaton Plaza a priority, why staff was requesting more time for Eaton Plaza, what the funding source was for Eaton Plaza, need to shorten the time line for Eaton Plaza, if staff could provide a report back in 30 days rather than 60 days, if staff would have been bringing forth the full range parks projects if this item had not been scheduled, need to see a comprehensive report with Eaton Plaza as the #1 priority project or use of the river dollars will be supported, if the \$1.85 million was set aside in the event bonding occurs, how the reimbursement resolution works, need to address older projects before entering into new projects, and the reimbursement resolution and concern that money is being spent that does not exist. Councilmember Dages stated he did not support adoption of the budget because of river dollars being included and stated he would support the motion. Councilmember Sterling presented additional questions/comments/concerns relative to the May 2007 Parks Commission Report/proposed Reimbursement Resolution/list of park projects and funding needed, need for staff to provide a revised list of projects and funding, \$9 million needed for Eaton Plaza build out, and why Eaton Plaza was left out of that reimbursement resolution, with Mr. Ruiz and Mr. Souza responding **(3 - 0)**.

Councilmember Calhoun noted staff provided detailed information on all phases for Eaton Plaza back in 2004 and nothing has happened since then to his knowledge, expressed concern that the river walk project was in the reimbursement resolution with no plan whatsoever, and stressed it was time to take money from where there was no plan and put it towards Eaton Plaza with a plan.

Councilmember Westerlund stated he understood the frustration but clarified his issue went back to what the City is bonding for, how much, and if there are funding streams, and withdrew his second to the motion and stated he looked forward to seeing the full picture on bonding and the reimbursement resolution. Councilmember Dages seconded the motion. Councilmember Sterling stated she was willing to wait 30 days for the report and questioned why Council had to wait 60 days for information that is already available, why staff could not report back by September 1st, and if staff forgot about the 2007 report mentioned by Councilmember Calhoun, with Mr. Ruiz responding.

President Perea stated although he would choose Eaton Plaza over the river and the motion on the floor showed that Council wanted Eaton Plaza to be the #1 priority he preferred to give the Administration the time requested to make their case on the river as that was only fair, made a motion to table the matter, and clarified he felt Councilmember Calhoun was on the right track in pushing for Eaton Plaza and this Council would be the Council that finishes Eaton Plaza.

A motion of President Perea, seconded by Councilmember Sterling, to table the matter until the first meeting in October when the Administration submits their proposal on the river project failed, by the following tie vote:

Ayes	:	Sterling, Westerlund, Perea
Noes	:	Calhoun, Dages, Duncan
Absent	:	Xiong

A motion of Councilmember Calhoun, seconded by Councilmember Dages, to direct staff to return with enabling documents to re-appropriate \$1,085,000 towards the construction of the Eaton Plaza Master Plan Project using the downtown river contingency of \$1,085,000 failed, by the following tie vote:

Ayes	:	Calhoun, Dages, Perea
Noes	:	Duncan, Sterling, Westerlund,
Absent	:	Xiong

President Perea stated Council would have to wait for the presentation on the river and have this discussion again, and Councilmember Calhoun questioned how there can be an adequate presentation when Council has not given staff the contingency funds set aside to prepare that information.

(9:30 “A”) AUTHORIZE THE RELEASE OF \$8.3 MILLION APPROPRIATED FROM FY 2008 SPENDING CONDITION FOR THE DOWNTOWN WATER STORAGE TANK AND BOOSTER PUMP STATION AND DIRECT STAFF TO PROCEED WITH PRELIMINARY SITE INVESTIGATION AND NECESSARY ENVIRONMENTAL WORK FOR THE PROPOSED PROPERTY AT SANTA CLARA AND “H” STREETS

Assistant Public Utilities Director Martin gave an in-depth review of the issue, all as contained in the staff report as submitted, and responded to questions of Councilmember Westerlund relative to whether \$100,000 was needed for an assessment, what type of investigative work would occur, the process and ensuing steps, and construction options including site buffering and landscaping. A motion and second was made to approve staff’s recommendation. Mr. Martin responded to questions/comments of President Perea and Councilmember Calhoun relative to construction options, when options would be presented to Council, and importance of competitive bidding.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the release of \$8.3 million appropriated from FY 2008 spending conditions for the downtown water storage tank and booster pump station hereby authorized, and staff directed to proceed with the preliminary site investigation and necessary environmental work for the proposed property at Santa Clara and H Streets, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

(10:30 A.M.) RESOLUTION NO. 2007-276 - APPROVAL OF POLICY AND PROCEDURES, ISSUE NO. 35, FOR OUTDOOR DINING AREAS WITHIN THE CITY OF FRESNO

Planner Thiesen gave a PowerPoint presentation on the issue which included the existing policy and challenges, purpose of the proposed policy and procedures, general policy requirements, parking requirements, and design guidelines, and concluded and recommended Council adopt the resolution.

Councilmember Duncan commended staff for their new thinking and for challenging the status quo, elaborated on his support for the new policy and how it will benefit establishments and the city, and again commended staff and City Manager Souza for his support in this effort and made a motion to adopt the resolution. The motion was seconded by Councilmember Calhoun who also commended staff and spoke to the issue of noise near residential and/or mixed-use projects, and upon his question Planning Manager Fabino stated staff saw no problem with this conflicting with residences due to standards in place. Mr. Fabino and Planning & Development Director Yovino responded to questions of President Perea and Councilmember Westerlund relative to downtown revitalization efforts and whether the noise ordinance had been changed for downtown, need to educate the community and potential downtown residents of this policy so there is no surprise down the road, if this policy would pertain to alleys, encouragement to staff to look into alleys being closed off for outdoor dining at night, this policy giving people an opportunity to live in a true urban environment, **(4 - 0)** and types of barriers that will be required or allowed.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, **RESOLVED**, the above entitled Resolution 2007-276 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

(10:45 A.M.) CONTINUED HEARING TO CONSIDER ACCEPTANCE AND ADOPTION OF THE COPPER RIVER RANCH IMPACT FEE STUDY REPORT, AND ADOPTION OF THE FINDING OF CONFORMITY WITH THE GENERAL PLAN MEIR AND PROJECT EIR

1. RESOLUTION NO. 2007-277 - 461ST AMENDMENT TO THE MFS RES. 80-420 ESTABLISHING THE COPPER RIVER RANCH DEVELOPMENT IMPACT FEES FOR IMPROVEMENTS WITHIN THE DEVELOPMENT THAT ARE NOT ALREADY IDENTIFIED IN THE PLANNING & DEVELOPMENT SECTION OF THE FMC

Assistant Public Works Director Mozier reviewed the issue, all as contained in the staff report as submitted, and along with City Attorney Sanchez advised of, and made corrections to, Staff Report Recommendation #2, and findings and indemnification.

Jeff Roberts, on behalf of Copper River Ranch, stated he concurred with staff's recommendation and thanked Quad Knopf and city staff members

Upon call, no one else wished to be heard and President Perea closed the public hearing.

A motion and second was made to adopt staff's recommendation. Councilmember Calhoun stated he found the process to be very interesting throughout and this might be a model as the southeast and southwest areas are further developed and explained, and Mr. Mozier responded to questions of Councilmember Westerlund relative to staff's review of the nexus study conducted by Quad Knopf and if the information was consistent or better than the city-wide street fee study.

On motion of Councilmember Duncan, seconded by Councilmember Dages, duly carried, RESOLVED, the Copper River Ranch Impact Fee Study Report/Nexus Study accepted and adopted and the above entitled Resolution No. 2007-277 hereby adopted, by the following vote:

Ayes	:	Calhoun, dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

(11:00 A.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY

APPROVE AGENCY MINUTES OF JULY 31, 2007

Laid over one week.

(11:00 A.M. "C") RESOLUTION NO. 2007-278 - DECLARING AN URGENT NECESSITY FOR THE PRESERVATION OF LIFE, HEALTH OR PROPERTY, AND WAIVING THE FORMAL ADVERTISED COMPETITIVE BIDDING REQUIREMENTS FOR THE REPLACEMENT OF THE ICE FLOOR, ICE MAKING MACHINERY, AND ASSOCIATED EQUIPMENT AT THE FRESNO CONVENTION AND ENTERTAINMENT CENTER (*Council action*)

General Services Director Nerland reviewed the issue, all as contained in the staff report as submitted, and recommended approval.

Upon question of Councilmember Calhoun, Mr. Nerland advised there was a ceiling on the amount to be expended on this project, and SMG Manager Overfelt spoke further to the issue and to their experience/expertise with these types of matters. A motion and second was made to adopt the resolution. Mr. Souza, Mr. Nerland and Mr. Overfelt responded to questions and/or comments of Councilmembers Sterling, Westerlund and President Perea relative to funding source for rental of the ice floor, machinery, the Falcons Letter of Intent and what will happen if agreement is not reached, if the floor replacement has to occur due to health and safety hazards, how the \$1.5 million cap was arrived at and how firm that number was, the cost overruns for the recent Convention Center improvements and concern and hope that that does not happen again, and if revenues from the Falcons return was the proposed funding source at this time and what the contingency plan was.

On motion of Councilmember Calhoun, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2007-278 hereby adopted, and the City Manager or designee authorized to enter into a contract for the project in an amount not to exceed \$1.5 million, by the following vote:

Ayes	:	Calhoun, Dages, Duncan Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

LUNCH RECESS - 11:35 A.M. - 2:01 P.M.

(2:00 P.M. #1) CONTESTED CONSENT CALENDAR ITEMS:

(1-D) AUTHORIZE THE CHIEF OF POLICE TO ENTER INTO AN AGREEMENT WITH THE FRESNO UNIFIED SCHOOL DISTRICT TO PROVIDE SCHOOL RESOURCE OFFICERS TO DISTRICT HIGH SCHOOLS

1. RESOLUTION NO. 2007-279 - 10TH AMENDMENT TO AAR 07-214 APPROPRIATING \$246,900

2. RESOLUTION NO. 2007-280 - 4TH AMENDMENT TO PAR 07-215 ADDING ONE POLICE SERGEANT AND ONE POLICE OFFICER

Chief Dyer responded to questions of Councilmember Westerlund and clarified issues relative to the financial arrangement and formula, and along with City Attorney Sanchez advised a revised PAR was submitted which corrected the number of department positions from 1,262 to 1,263.

On motion of Councilmember Westerlund, seconded by President Perea, duly carried, **RESOLVED**, the Police Department authorized to enter into the Agreement with the Fresno Unified School District, and the above entitled Resolution Nos. 2007-279 and 2007-280 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

(1-E) MODIFICATION OF CITY OF FRESNO ENTERPRISE ZONE BOUNDARIES

1. RESOLUTION NO. 2007-281 - APPROVING EXPANSION MODIFICATION OF ENTERPRISE ZONE APPLICATION AND BOUNDARIES, AND AUTHORIZE EXECUTION AND SUBMITTAL OF DOCUMENTS AND INSTRUMENTS TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

2. RESOLUTION NO. 2007-282 - APPROVING PARCEL REMOVAL MODIFICATION OF ENTERPRISE ZONE APPLICATION AREA BOUNDARIES, AND AUTHORIZE EXECUTION AND SUBMITTAL TO THE STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

Councilmember Westerlund advised his questions had been answered by staff and made a motion to approve.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, **RESOLVED**, the above entitled Resolution Nos. 2007-281 and 2007-282 hereby adopted, by the following vote:

Ayes	:	Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes	:	None
Absent	:	Xiong

(1-P) APPROVE A ONE-YEAR CONTRACT WITH FRESNO UNIFIED SCHOOL DISTRICT TO PROVIDE FUNDS FOR THE PR&CS DEPARTMENT TO CONDUCT A COLLABORATIVE AFTER SCHOOL RECREATION PROGRAM RUNNING THROUGH JUNE 30, 2010

1. RESOLUTION NO. 2007-283 - 5TH AMENDMENT TO AAR 07-214 APPROPRIATING \$657,700 FROM THE FUSD TO CONDUCT THE PROGRAM

2. RESOLUTION NO. 2007-284 - 2ND AMENDMENT TO PAR 07-215 ADDING FIVE (5) PERMANENT FULL-TIME POSITIONS IN THE PR&CS DEPARTMENT

PR&CS Director Cooper responded to comments and questions of Councilmember Westerlund relative to the contract becoming effective tomorrow/why it was not brought to Council earlier/hope that this will not happen again in the future, number of total school sites/number of sites currently being served/site expansion, and staffing and **(5 - 0)** funding issues. A motion and second was made to approve staff's recommendation.

Councilmember Calhoun commended Mr. Cooper and staff stating this was a healthy direction and presented questions and comments relative to Proposition 49 funds, encouragement to staff to look at two schools in the West Fresno School District, importance of serving all potential students, cost recovery, family afford ability, and importance of staff keeping Council informed of issues and staffing needs.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the one-year contract with the Fresno Unified School District hereby approved, and the above entitled Resolution Nos. 2007-283 and 2007-284 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes : None
Absent : Xiong

(1-R) RESOLUTION NO. 2007-285 - APPROVE APPLICATION FOR FY 2007 ASSISTANCE TO FIREFIGHTERS - STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE (SAFER) GRANT PROGRAM ISSUED THROUGH THE U.S. DEPARTMENT OF HOMELAND SECURITY, AND AUTHORIZE THE FIRE CHIEF TO COMPLETE ALL REQUIRED DOCUMENTS

Deputy Chief Aranaz responded to questions of Councilmember Westerlund relative to grant requirement for the City to take on position cost obligations after a certain number of years, what the anticipated cost was, if unplanned growth was being induced by taking on these grants and need to be conscious of that when making decisions, and number of firefighters added since 2005. A motion and second was made to adopt the resolution. Councilmember Calhoun stated major contributions have been made to the fire department and he would support the motion at this point but stated he did not want to be in a similar situation as the County and he would not be part of “robbing Peter to pay Paul” and explained. Upon questions of Councilmember Calhoun and President Perea, Chief Aranaz advised staff would probably be back in December if the grant is received, two grants had previously been received, and this grant would provide for two additional truck companies.

On motion of Councilmember Westerlund, seconded by Councilmember Dages, duly carried, RESOLVED, the above entitled Resolution No. 2007-285 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Sterling, Westerlund, Perea
Noes : None
Absent : Xiong

FLYING LEVEL OF THE POW/MIA FLAG

Relative to comments made earlier in the meeting by Mr. Waters, City Manager Souza clarified the POW/MIA flag was being flown at that level due to needed spacing so the American flag does not drape over/cover the POW/MIA flag,, and added Mr. Waters was so informed.

(2:00 P.M. #2) CLOSED SESSION:

(A) CONFERENCE WITH LEGAL COUNSEL/EXISTING LITIGATION - CASE NAME: JOHN HERNANDEZ V. COF, ET AL.

The City Council met in closed session in Room 2125 at the hour of 2:33 p.m. to consider the above issue and adjourned thereafter.

ADJOURNMENT

There being no further business to bring before the City Council, the hour of 2:45 p.m. having arrived and hearing no objections, President Perea declared the meeting adjourned.

Approved on the 28th day of August, 2007.

Henry T. Perea, Council President

ATTEST: Yolanda Salazar, Assistant City Clerk